Eric W. Cernyar, P.C.

ATTORNEY AT LAW & REGISTERED PATENT ATTORNEY

E-mail: ecernvar@satx.rr.com

10401 Fox Hollow San Antonio, TX 78217

Telephone: (210) 863-0063 Facsimile: (210) 255-6969

FAX COVER SHEET

DATE:

October 15, 2003

TO:

Mail Stop Non-Fee Amendment

FROM:

Eric Cernyar, Reg. No. 45,919

RE:

09/488,390

FAX #:

703-872-9314

No of pages (including this cover sheet): 14

Re:

Applicant:

David M. Tumey

Serial No.:

09/488,390 1/19/2000

Filed: Examiner:

Vikkram Bali

Art Unit:

2623

Title:

Animated Toy Utilizing Artificial Intelligence

and Facial Image Recognition

Our File No.: TUMEY.001

Enclosed please find:

1. Transmittal Form; and

2. Response to Office Action.

CONFIDENTIALITY NOTE

The documents accompanying this facsimile message contain information intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by phone or arrange for return of the documents to us..



ATTORNEY AT LAW & REGISTERED PATENT ATTORNEY

E-mail: ecernvar@satx.rr.com

10401 Fox Hollow San Antonio, TX 78217 Telephone: (210) 863-0063 Facsimile: (210) 590-9473

October 15, 2003

Mail Stop Non-Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

Applicant:

David M. Tumey

Serial No.:

09/488,390

Filed:

1/19/2000

Title:

Animated Toy Utilizing Artificial Intelligence and Facial Image

Recognition

Our File No.: TUMEY.001

Dear Sir or Madam:

Enclosed please find:

1. Transmittal Form; and

2. Response to Office Action.

Respectfully submitted,

Eric W. Cernyar Reg. No. 45,919

Attorney for Applicant

October 15, 2003

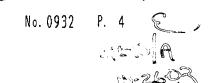
PTC/SB/21 (08-03) Approved for use through 08/30/2003, OMS 0651-0031
U.S. Patent and Tradamark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/488,390 TRANSMITTAL Filing Date 1/19/2000 FORM First Named Inventor David M. Tumey Art Unit 2623 (to be used for all correspondence after initial filing) Examiner Name Viktram Ball Attorney Docket Number Tumey.001 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittel Form Drawing(s) to Technology Center (TC) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC ~ Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): Request for Refund Express Abandonment Request Information Disclosure Statement CD, Number of CD(s) Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Flm Eric W. Cernyar, Reg. No. 45,919 Individual name Signature Date October 15, 2003 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name

This collection of Information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandra, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Signature

Cernyai



Appl. No.

09/488,390

Applicants

David M. Tumey, Tianning Xu

Filed

01/19/2000

Title

Animated Toy Utilizing Artificial Intelligence and Facial Image

Recognition

Assignee

Intelligent Verification Systems

TC/A.U.

2623

Examiner

Vikkram Bali

Docket No.

Tumey.001

Honorable Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO JULY 16, 2003, OFFICE ACTION

Sir:

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.